

Application No. 10/781,590
Reply to Office Action mailed October 3, 2005

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed October 3, 2005. Claims 1-39 were pending. Claims 1, 5, 22, and 35 are amended, and new claims 40 and 41 are added. Claims 1-41 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. Rejection Under 35 U.S.C. § 102

The Office Action rejects claims 1, 3-4, 7-9, 22-23, 26-27, 29, 34-36, and 39 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,639,203 to Kerschner ("Kerschner"). However, *Kerschner* -- assuming *arguendo* that it and the other cited references cited herein qualify as prior art -- fails to teach and each and every element of the pending claims, and thus is not an anticipatory reference.

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Indeed, Applicants traverse the above rejection under Section 102 because the claimed invention is substantially different from the device taught by *Kerschner*. In particular, amended independent claim 1 requires, in a system for monitoring the power output of a light source, the presence of a light source, an optical lens having a reflective surface on an input surface of the lens, and "a photo detector generally facing the *input surface* of the lens, wherein the reflective surface of the lens is adapted to reflect at least a portion of the light beam toward the photo detector." *Kerschner* discloses no such monitoring system. Indeed, Figure 5 of *Kerschner* shows just the opposite, wherein a photo sensor 20 faces the *output* surface (rear surface 120) of the lens assembly 100. No photo detector faces the input surface (front surface 110) of the lens assembly.

That the photosensor 20 of *Kerschner* faces the output surface of its lens assembly, rather than its input surface as required in claim 1, is further borne out in column 8, lines 24-26 of *Kerschner*, which states that the light beam 210 "impinges on the photosensor array 20 *after exiting* the lens assembly." This is not surprising, given the fact that the lens systems of *Kerschner* is concerned with reducing the image path of a light beam while maintaining its optical length, for use in scanning devices. See *Kerschner*, col. 5, ll. 18-20, 61-67. In contrast, the present claimed invention discloses a lens for use in focusing light from an optical source to an optical fiber, for example, while reflecting a small portion of that light before transmission through the lens back to a photodiode to monitor the power of the optical source.

Consequently, and despite what is purported in the Office Action, *Kerschner* fails to teach or suggest each and every element of independent claim 1, and thus cannot be used to anticipate the present invention. Further, inasmuch as claims 2-4 and 7-21 are variously dependent on independent claim 1, they are also allowable for at least the reasons given above.

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Applicants therefore respectfully submit that each of the above claims is patentably distinct and request that the Section 102 rejection in view of *Kerschner* be withdrawn.

Independent claim 22 is also patentably distinct from *Kerschner*. In particular, claim 22 discloses a lens having a transmissive part for passing a portion of an incident light beam, and "a reflective part for reflecting a portion of the incident light beam *before passage of the light beam through the lens.*" *Kerschner* also fails to teach this element of the present claimed invention. Indeed, though the lens assembly of *Kerschner* includes reflective strips 112, 122, and 124, these strips reflect the light beam only *after* it has passed through at least a portion of the lens assembly 100, as shown in Figure 5 of *Kerschner*. In contrast, the lens disclosed in independent claim 22 reflects a portion of the incident light beam *before* passing through the lens. Accordingly, *Kerschner* also fails to teach or suggest each of the required elements of claim 22. Thus independent claim 22, and dependent claims 23-34 that depend therefrom, are allowable and the Section 102 rejection in view of *Kerschner* should be withdrawn.

Finally, independent claim 35 is also patentably distinct. In particular, claim 35 requires, in a method for making a lens, the following stages: providing a lens with first and second major surfaces, and "coating less than all of the first major surface with a reflective coating *such that light incident on the reflective coating is reflected away from the lens.*" Once again, *Kerschner* fails to teach or suggest such a limitation. Indeed, the reflective surfaces 112, 122, and 124 of *Kerschner* reflect light beams *within* the lenses of *Kerschner*, not away from the lens, as explicitly set forth in claim 35. See, e.g., *Kerschner*, Fig. 5. Thus, as was the case with independent claims 1 and 22, *Kerschner* also fails to anticipate independent claim 35. As such, claim 35 and claims 36-39 that depend therefrom are allowable. Applicants therefore

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respectfully solicit the removal of the rejection under Section 102 to this and the other claims discussed above.

II. Rejections under 35 U.S.C. § 103

The Office Action rejects claims 2, 15-20, and 24-25 under 35 U.S.C. §103(a) as being unpatentable over *Kerschner* in view of U.S. Patent No. 6,330,057 to Lederer, *et al.* ("*Lederer*"). Also, claims 10-12, 14, and 30-33 are rejected under Section 103(a) as being unpatentable over *Kerschner* in view of *Lederer*, and further in view of U.S. Patent No. 3,825,322 to Mast, ("*Mast*"). Finally, claims 28 and 38 are rejected under Section 103(a) as being unpatentable over *Kerschner* in view of U.S. Patent No. 5,084,711 to Moss, *et al.* ("*Moss*").

Applicants note that each of the above rejections is based upon the *Kerschner* reference. It is further noted that each of the rejected claims above is dependent upon one of independent claims 1, 22, and 35. As was previously discussed, the teachings of *Kerschner* are inapplicable to the present invention as applied to independent claims 1, 22, and 35 for failing to teach or suggest each of the limitations contained in those claims. Thus, *Kerschner* is equally inapplicable to the present claims rejected under Section 103 for at least the same reasons, that is, its failure to teach or suggest all of the claim limitations contained not only in independent claims 1, 22, and 35, but also the limitations contained in the present rejected dependent claims. Thus, the Examiner has failed to make out a *prima facie* case of obviousness. Applicants therefore submit that these claims are allowable and that above rejection under Section 103 should be withdrawn.

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III. Allowable Subject Matter

The Office Action objects to claims 5-6, 21, and 37 as being dependent upon rejected base claims, but notes that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten claim 5 in independent form to include all the limitations of the respective base claim and the intervening claims. As such, allowance of newly independent claim 5 is therefore respectfully requested. Claims 6, 21, and 37 remain unchanged, but are allowable for at least the reasons given further above.

IV. New Claims

Applicants further submit that new claims 40 and 41 are also allowable in light of the cited art. In particular, independent claim 40 recites a system for monitoring the power output of a light source, and includes a light source that provides a light beam, a photo detector, and "a lens positioned to receive the light beam, the lens including a reflective portion *that reflects a portion of the light beam away from the lens, wherein the reflected portion of the light beam does not pass through the lens.*" As has been discussed above in connection with independent claims 22 and 35, the limitations of claim 40 are neither taught nor suggested by *Kerschner*. Thus, independent claim 40 and dependent claim 41 are allowable in light of the cited art. Entry and allowance of these claims are therefore respectfully solicited.

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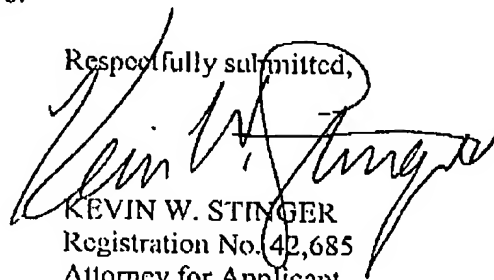
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CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 3rd day of February, 2006.

Respectfully submitted,



KEVIN W. STINGER
Registration No. 42,685
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

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